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Line, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

MICHAEL RINTOUL,

Plaintiff,

v.

OLD DOMINION FREIGHT LINE, INC., a
foreign corporation,

Defendant.

Civil No.: 3:21-CV-01733

**DEFENDANT'S NOTICE OF
REMOVAL TO FEDERAL COURT**

DEMAND FOR JURY TRIAL

TO: CLERK OF THE COURT

PLEASE TAKE NOTICE THAT defendant Old Dominion Freight Line, Inc. (ODFL)
hereby removes to this court the state court action described below:

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Bullivant|Houser|Bailey PC

One SW Columbia Street, Suite 800
Portland, Oregon 97204-4022
Telephone: 503.228.6351

**DEFENDANT'S NOTICE OF REMOVAL TO FEDERAL
COURT
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1. On or about November 4, 2021, an action was filed in the Circuit Court of the state of Oregon for the county of Columbia entitled *Michael Rintoul v. Old Dominion Freight, Line, Inc.*, case number 21CV43014. True and correct copies of the summons and complaint are attached hereto as **Exhibit 1**.

2. This is a civil action over which this court has original jurisdiction pursuant to 28 USC §1332, and is one that may be removed to this court by defendants pursuant to 28 USC §1441(b) because:

- a. At all relevant times, upon information and belief plaintiff Michael Rintoul was a resident of Oregon. (Complaint, ¶ 1).
- b. The complaint alleges that ODFL “was a foreign corporation of the State of North Carolina.” (Complaint, ¶ 3).
- c. At all relevant times, defendant ODFL was, and is, a business incorporated in the commonwealth of Virginia. Its principal place of business is in North Carolina.
- d. Plaintiff seeks \$325,000.00 in damages. (Complaint, ¶ 11).

3. Removal is timely pursuant to 28 USC §1446(b) because the earliest the summons and complaint were served on Defendants was November 9, 2021. A true and correct copy of the proof of service is attached hereto as **Exhibit 2**.

4. This is the district and division embracing the place where the state court action is pending (Columbia County Circuit Court).

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5. No other proceedings have occurred, and no other documents have been served in the state court action other than the service of summons and complaint, as referenced above. A copy of the docket in the state court action is attached as **Exhibit 3**.

6. In filing this notice, defendant does not waive any defenses or claims including, but not limited to, any defenses based on jurisdiction, service, or status of limitations.

7. ODFL demands trial by jury.

DATED: December 3, 2021

BULLIVANT HOUSER BAILEY PC

By



Robert E. Barton, OSB #814637

E-mail: bob.barton@bullivant.com

Telephone: 503.228.6351

Attorneys for Defendant Old Dominion
Freight Line, Inc.

4870-6303-6419.1 36882/00020

CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2021, I caused to be served the foregoing
DEFENDANT'S NOTICE OF REMOVAL TO FEDERAL COURT on the following party
at the following address:

Joshua V. Callahan CALLAHAN LAW OFFICE 10121 SE Sunnyside Rd. Suite 300 Clackamas, OR 97016 Email: joshua@callahanlawyer.com <i>Attorneys for Plaintiff</i>	<input checked="" type="checkbox"/> U.S. Postal Service, ordinary first class mail <input type="checkbox"/> U.S. Postal Service, certified or registered mail, return receipt requested <input type="checkbox"/> E-Filing <input type="checkbox"/> E-Service <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> Other (specify) E-mail
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